

Message Text

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ORIGIN OES-04

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IO-10 OIC-02 INT-05 NSF-01 CIAE-00 DODE-00 INR-07

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DRAFTED BY OES/OFA /FA B.S.HALLMAN:EEB

APPROVED BY OES/OFA /FA B.S.HALLMAN

NOAA/NMFS-B.KEITH

ARA/LA/PLC-MR. BLOOMFIELD

EA/J-J.DUNKERLEY (SUBS)

EUR/RPE-MR. WOLFE (SUBS)

ARA/MEX-MR. FALK

----- 111259

R 211627Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO CITY

AMEMBASSY OTTAWA

AMEMBASSY PANAMA

AMCONSUL CURACAO

AMEMBASSY SAN JOSE

AMEMBASSY MANAGUA

AMEMBASSY PARIS

AMEMBASSY TOKYO

AMEMBASSY MADRID

AMEMBASSY QUITO

AMEMBASSY LIMA

AMCONSUL HAMILTON

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TAGS:EFIS, XP, IATTC

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SUBJECT:ENFORCEMENT OF IATTC CONSERVATION MEASURES

DEPARTMENT WOULD APPRECIATE TRANSMITTAL OF THE FOLLOWING TO THE APPROPRIATE OFFICIALS CONCERNED WITH IATTC AFFAIRS: THE UNITED STATES CONTINUES TO BE CONCERNED OVER DEVELOPMENTS IN THE EASTERN TROPICAL PACIFIC TUNA FISHERY RELATED TO ENFORCEMENT OF THE CONSERVATION RECOMMENDATIONS OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC). IN ORDER TO ADDRESS THIS CRITICAL PROBLEM, THE UNITED STATES URGES THAT A SPECIAL INTERGOVERNMENTAL MEETING OF THE IATTC BE HELD IN CONJUNCTION WITH THE COMMISSION MEETING ON STOCK ASSESSMENT WHICH IS NOW TENTATIVELY SCHEDULED FOR THE FIRST MONDAY IN MARCH IN LA JOLLA, CALIFORNIA. FOR THE CONVENIENCE OF THE PARTICIPANTS INVOLVED, THE UNITED STATES PROPOSES THAT ONE DAY BE SET ASIDE FOR THIS PURPOSE IMMEDIATELY FOLLOWING THE DATE ON WHICH THE IATTC DIRECTOR OF INVESTIGATIONS REVIEWS FOR COMMISSION MEMBERS THE STATUS OF THE FISHERY.

SPECIFICALLY, THE UNITED STATES IS ESPECIALLY CONCERNED OVER THE PROSPECT OF NON-ENFORCEMENT OF THE COMMISSION'S CONSERVATION RECOMMENDATIONS AS THEY APPLY TO VESSELS OF OVER 400 TONS CARRYING CAPACITY, AND FEELS THAT ACTION MUST

BE TAKEN BY ALL COUNTRIES PARTICIPATING IN THE FISHERY TO PREVENT AND DETECT VIOLATIONS. THERE IS CONCERN THAT LARGE VESSELS OF SEVERAL MEMBER AND NON-MEMBER COUNTRIES ARE FISHING FREELY FOR YELLOWFIN TUNA IN THE CYRA DURING THE CLOSED SEASON, AND ALSO THAT SOME VESSELS ARE UNLOADING YELLOWFIN TUNA FOR SALE IN COUNTRIES NOT OF THEIR OWN FLAG TO AVOID RESTRICTIONS DURING THE CLOSED SEASON. THE ENFORCEMENT PROBLEM WAS A SERIOUS ONE DURING THE 1974 FISHING SEASON AND IS EXPECTED TO BE EVEN MORE TROUBLESOME DURING THE 1975 CLOSED SEASON. THE SITUATION HAS BECOME MORE SERIOUS BECAUSE FLEETS OF ALL COUNTRIES PARTICIPATING IN THE FISHERY ARE GROWING LARGER, WHILE THE OPEN YELLOWFIN TUNA SEASON GROWS SHORTER. AGGRAVATING THIS PROBLEM IS THE CONSTRUCTION OF LARGE SEINERS NOT RECEIVING CLOSED SEASON ALLOCATIONS AND THE SIGNIFICANT NUMBER OF NONMEMBER COUNTRY VESSELS OPERATING IN THE AREA. THE NEED TO CONSIDER THE QUESTION OF EFFECTIVE ENFORCEMENT OF CONSERVATION RECOMMENDATIONS OF THE COMMISSION LED THE UNITED STATES TO CONVE

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IN MAY 1974, A SPECIAL INTERGOVERNMENTAL MEETING OF THE IATTC. UNFORTUNATELY, NO SOLUTIONS OR SIGNIFICANT CONCLUSIONS RESULTED FROM THIS MEETING. UNLESS SOME REAL PROGRESS IS MADE IN THIS AREA, THE UNITED STATES BELIEVES THERE COULD BE SERIOUS REPERCUSSIONS ON THE CONSERVATION PROGRAM OF THE IATTC. WHEN A NUMBER OF GOVERNMENTS HAVE AGREED TO PARTICIPATE IN A CONSERVATION PROGRAM FOR MAINTAINING THE PRODUCTIVITY OF A

HIGH-SEAS RESOURCE, JUSTICE AND EQUITY REQUIRE THAT ALL OF THEM ENFORCE THE CONSERVATION MEASURES WITH COMPARABLE STRICTNESS AND EFFICIENCY AGAINST THEIR NATIONALS. IT IS UNREALISTIC TO EXPECT THAT THE FISHERMEN OF ONE OR SEVERAL PARTICIPATING COUNTRIES WILL SUBMIT FOR LONG TO A MORE THOROUGH AND SEVERE ENFORCEMENT OF THE CONSERVATION MEASURES THAN IS APPLIED TO FISHERMEN OF OTHER PARTICIPATING COUNTRIES BY THEIR GOVERNMENTS. THIS PRINCIPLE IS RECOGNIZED IN THE UNITED STATES LAW WHICH IMPLEMENTS THE INTER-AMERICAN TROPICAL TUNA CONVENTION, WHERE IT PROVIDES THAT THE UNITED STATES GOVERNMENT CANNOT RESTRICT THE OPERATIONS OF ITS TUNA FISHERMEN IN THE EASTERN TROPICAL PACIFIC UNTIL AND UNLESS THE FISHERMEN OF OTHER COUNTRIES WHO PARTICIPATE SIGNIFICANTLY IN THE TUNA FISHERY OF THAT AREA ARE SIMILARLY REGULATED.

IN LIGHT OF THESE CONSIDERATIONS, THE U.S. BELIEVES THAT ADDITIONAL DISCUSSIONS ON THE SUBJECT OF THE ENFORCEMENT OF TUNA CONSERVATION MEASURES IN THE EASTERN TROPICAL PACIFIC ARE VITAL. AT THE INTER-GOVERNMENTAL MEETING PROPOSED SPECIFICALLY FOR THE CONSIDERATION OF THESE PROBLEMS, THE UNITED STATES WILL BE PREPARED TO DISCUSS STANDARDS OF ENFORCEMENT AND THE MEANS OF ACHIEVING THEM. IN THIS CONNECTION, THE UNITED STATES HAS IN THE PAST MADE SUGGESTIONS

WHICH WE BELIEVE WOULD, IF AGREED TO BY ALL COUNTRIES CONCERNED, BASICALLY RESOLVE THE ENFORCEMENT PROBLEM. THE UNITED STATES IS ANXIOUS TO HEAR THE IDEAS AND PROPOSALS OF OTHER PARTICIPANTS ON THIS SUBJECT, AND IS LOOKING FORWARD TO MEETING WITH ALL CONCERNED TO SEE WHAT CAN BE DONE TO PREVENT THE EROSION OF THE IATTC CONSERVATION PROGRAM.

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THE DEPARTMENT BELIEVES THAT, BASED ON PAST EXPERIENCE, THE SUPPORT OF MEXICO WILL BE AN IMPORTANT ELEMENT IN DETERMINING THE SUCCESS OR FAILURE OF THE PROPOSED ENFORCEMENT MEETING. IN AN EFFORT TO GAIN THIS SUPPORT, THE NATIONAL MARINE FISHERIES SERVICE HAS PROPOSED THAT MR. CARMEN J. BLONDIN, ASSOCIATE DIRECTOR FOR INTERNATIONAL FISHERIES, NMFS, AND MR. GERALD V. HOWARD, REGIONAL DIRECTOR, NMFS, MEET WITH APPROPRIATE MEXICAN OFFICIALS TO DISCUSS THE ENFORCEMENT SITUATION AND SEE IF IT IS POSSIBLE TO ACHIEVE A MUTUAL UNDERSTANDING OF WHAT MIGHT BE ACCOMPLISHED AT THE UPCOMING ENFORCEMENT MEETING. DEPT. AGREES THAT SUCH A MEETING WOULD BE USEFUL AND WOULD APPRECIATE EMBASSY MAKING NECESSARY ARRANGEMENTS. IT WOULD BE POSSIBLE FOR BLONDIN AND HOWARD TO MEET ANY DAY

DURING TIME PERIOD FEBRUARY 10 - FEBRUARY 19. WOULD
APPRECIATE LEARNING OF MEXICAN RESPONSE SOONEST AS OTHER
SCHEDULING IS DEPENDENT UPON THIS PROPOSED MEETING. KISSINGER

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